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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,203	01/04/2002	Katharine A. Hornung	030472.0001	6474

22467 7590 04/09/2007  
WILLIAMS MULLEN  
FOUNTAIN PLAZA THREE, SUITE 200  
721 LAKEFRONT COMMONS  
NEWPORT NEWS, VA 23606

EXAMINER

CHANDLER, SARA M

ART UNIT PAPER NUMBER

3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/037,203	<b>Applicant(s)</b> HORNUNG, KATHARINE A.	
	<b>Examiner</b> Sara Chandler	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 2/15/07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

Applicant's election without traverse of Group I, claims 1-8 in the reply filed on 2/15/07 is acknowledged.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 1-3 and 5** are rejected under 35 U.S.C. 102(a) as being anticipated by Index-Learn – No Waiting No Wondering No Doubts (12/11/2000).

<http://www.creditability.com/secondary/lear/iLearn.asp> (hereinafter CreditAbility).

**Re Claims 1-3 and 5:** Creditability discloses a method for protecting against identity theft comprising:

- a. obtaining initial personal information from a consumer having a credit history (CreditAbility, pages 1-3);
- b. receiving notification of one or more changes in the consumer's credit history (CreditAbility, pages 1-3); and
- c. notifying the consumer of each change in the consumer's credit history (CreditAbility, pages 1-3).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3693

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 4.6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over CreditAbility as applied to claim 1 above, and further in view of Experian Consumer Center (12/11/2000)

file://C:\\WINNT\\Profiles\\lwang\\Temporary%20Internet%20Files\\OLK4E\\Experian%20C on (hereinafter Experian).

**Re Claim 4:** CreditAbility discloses the claimed method supra but fails to explicitly disclose wherein step a. further comprises correcting incorrect personal or credit information in the first report of personal and credit information obtained from the credit agency. Experian further discloses wherein step a. further comprises correcting incorrect personal or credit information in the first report of personal and credit information obtained from the credit agency (Experian, pg. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of CreditAbility by adopting the teachings of Experian to provide a method further comprising correcting incorrect personal or credit information in the first report of

Art Unit: 3693

personal and credit information obtained from the credit agency. As suggested by Experian, companies handling sensitive personal and credit information (i.e., like Experian) have a need to protect customer good will by having strong security features (e.g., protecting information from unauthorized access and inappropriate change) and privacy protection (e.g., safeguarding the confidentiality of personal credit information).

**Re Claim 6:** CreditAbility discloses the claimed method supra but fails to explicitly disclose wherein step c. further comprises correcting each change not verified by the consumer. Experian further discloses wherein step c. further comprises correcting each change not verified by the consumer (Experian, pg. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of CreditAbility by adopting the teachings of Experian to provide wherein step c. further comprises correcting each change not verified by the consumer. As suggested by Experian, companies handling sensitive personal and credit information (i.e., like Experian) have a need to protect customer good will by having strong security features (e.g., protecting information from unauthorized access and inappropriate change) and privacy protection (e.g., safeguarding the confidentiality of personal credit information).

**Re Claim 7:** CreditAbility discloses the claimed method supra but fails to explicitly disclose wherein the at least one credit agency is one or more agencies selected from the group consisting of Equifax, Experian and TransUnion. Experian further discloses wherein the at least one credit agency is one or more agencies selected from the group consisting of Equifax, Experian and TransUnion (Experian, pg. 1). It would have been

Art Unit: 3693

obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of CreditAbility by adopting the teachings of Experian to provide a method further comprising wherein the at least one credit agency is one or more agencies selected from the group consisting of Equifax, Experian and TransUnion. As suggested by Experian, companies handling sensitive personal and credit information (i.e., like Experian) have a need to protect customer good will by having strong security features (e.g., protecting information from unauthorized access and inappropriate change) and privacy protection (e.g., safeguarding the confidentiality of personal credit information).

**Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Index-Learn – No Waiting No Wondering No Doubts (12/11/2000).

<http://www.creditability.com/secondary/lear/iLearn.asp> (hereinafter CreditAbility).

in view of Experian Consumer Center (12/11/2000)

file:///C:/WINNT/Profiles/lwang/Temporary%20Internet%20Files/OLK4E/Experian%20C on (hereinafter Experian).

**Re Claim 8:** CreditAbility discloses method for protecting against identity theft comprising:

- a. obtaining initial personal information from a consumer having a credit history (CreditAbility, pages 1-3):
- b. obtaining a first report of personal and credit information about the consumer from at least one credit agency (CreditAbility, pages 1-3);
- c. verifying the first report of personal and credit information obtained from the credit agency with the consumer to identify incorrect personal or credit information

Art Unit: 3693

(CreditAbility, pages 1-3);

e. receiving notification of one or more changes in the consumer's credit

history (CreditAbility, pages 1-3);

f. notifying the consumer of each change in the consumer's credit history (CreditAbility, pages 1-3); and

g. verifying each change with the consumer (CreditAbility, pages 1-3).

CreditAbility fails to explicitly disclose:

d. correcting incorrect personal or credit information in the first report of personal and credit information obtained from the credit agency; and

h. correcting each change not verified by the consumer.

Experian discloses:

d. correcting incorrect personal or credit information in the first report of personal and credit information obtained from the credit agency (Experian, pg. 1); and

h. correcting each change not verified by the consumer (Experian, pg. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of CreditAbility by adopting the teachings of Experian to provide a method further comprising d. correcting incorrect personal or credit information in the first report of personal and credit information obtained from the credit agency; and h. correcting each change not verified by the consumer.

As suggested by Experian, companies handling sensitive personal and credit information (i.e., like Experian) have a need to protect customer good will by having strong security features (e.g., protecting information from unauthorized access and

Art Unit: 3693

inappropriate change) and privacy protection (e.g., safeguarding the confidentiality of personal credit information).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following relates to monitoring information and/or combating identity theft.

US Pat. and US Pub. Nos.:

20010011245;

6311169;

7028052;

20020133462;

20020116322;

6055570;

5819226;

20060200396.

- New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard To Build Consumer Confidence, Save Companies in Lost Revenue (October 23, 2000).

[file:///C:/WINNT/Profiles/lwang/Temporary%20Internet%20Files/OLK4E/privista%20-%20\(2pages\);](file:///C:/WINNT/Profiles/lwang/Temporary%20Internet%20Files/OLK4E/privista%20-%20(2pages);)

- CreditCheck Monitoring Service – Why wonder what your credit report says? With the CreditCheck® Monitoring Service, you'll know! (12/11/2000)



file://C:\\WINNT\\Profiles\\lwang\\Temporary%20Internet%20Files\\OLK4E\\Credti%20check% (2 pages);

- PrivacyGuard.com Set your records strait (12/11/2000)

file://C:\\WINNT\\Profiles\\lwang\\Temporary%20Internet%20Files\\OLK4E\\PrivacyGuard.htm (2 pages);

- CreditAbility.com- Trans Union Online Credit Reporting and Monitoring Service (12/11/2000) http://www.creditability.com/ (1 page);

- About ID Guard [web.archive.org/web/20011024051700/privista.com](http://web.archive.org/web/20011024051700/privista.com), January 4, 2001 (2 pages).;

- Privista & Equifax form Strategic Alliance; Companies Will Work Together to Meet Growing Consumer Demand For Online Privacy Protection. PR Newswire. New York: Sep. 14, 2000 (3 pages via Proquest);

- Privista To Unveil "ID Guard" At Identity Theft Event (Privista to introduce ID Guard early warning system to help protect consumers against identity theft; service warns participating consumers by e-mail when any strange activity occurs on their credit reports). Newsbytes News Network. October 23, 2000. (2 pages via Dialog);

- Acec Unveils Identity Theft Package. PR Newswire. Washington: November 10, 2000. (5 pages via Dialog);

- Just in Time for The Holiday Shopping Season: Privista Empowers Consumers with ID Guard Allowing them to Purchase with Confidence. PR Newswire. New York: Oct. 25, 2000 (4 pages via Dialog);

Art Unit: 3693

- Juno and Cendant Form Major Marketing Alliance. Business Wire. New York: August 17, 1998 (2 pages via Dialog);
- Survey Sparks Concern over Data Inaccuracy. Credit Management Report. Phillips Business Information. Vol. 8, Issue 5. March 23, 1998 (2 pages via Dialog);
- Orange, Calif., Credit-Monitoring Service Firm Files For IPO (Credentials Services International, a provider of credit-monitoring services for about 1.3 million consumers, hopes to raise \$40 million through initial public offering). Orange County Register. October 10, 1997 (2 pages via Dialog).

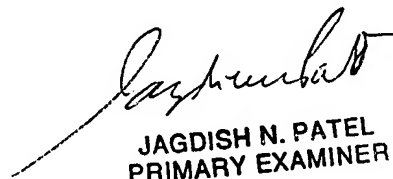
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC



JAGDISH N. PATEL  
PRIMARY EXAMINER